



## U.S. Immigration and Customs Enforcement

Junior RICKETTS  
Buffalo Federal Detention Facility  
4250 Federal Drive  
Batavia, New York 14020

A27 024 434

### **Decision to Continue Detention**

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

ICE records indicate that you are a native and citizen of Jamaica who entered the United States on December 27, 1982 as a nonimmigrant visitor with authorization to remain in the U.S. for a temporary period not to exceed six months. You remained in the U.S. beyond the authorized period. An Immigration Judge ordered your removal on November 3, 1999, after being convicted of embezzlement and illicit transportation of a minor with intent to engage in sexual activity, for which you received a sentence of 90 months. On April 3, 2000, you were removed from the United States via flight Air Jamaica number 010. In February 2003, you attempted to reenter the United States by false claim to US citizenship. On October 1, 2004, you were convicted of Forgery in the second degree and Grand Larceny, for which you were sentenced to 2-6 years. On April 28, 2005, you were issued a reinstatement of your prior order. On September 5, 2006, you were taken into ICE custody to complete your removal to Jamaica. On February 21, 2008, you filed an appeal with the BIA. That appeal was denied on April 17, 2008. You currently have pending an appeal with the Third Circuit Court of Appeals and a Habeas appeal with the Western District Court of New York.

Based on the above, you are to remain in ICE custody as you have been deemed to be a flight risk. You will remain in ICE custody pending your removal from the United States. Contact has been made with the Jamaican Consulate to assist in obtaining a travel document for your pending removal. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to effect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

**Decision of Post Order Custody Review – Detain**

A27 024 434, RICKETTS, Junior

Page 2

If you have not been released or removed from the United States by *on or about October 17, 2008*, jurisdiction of the custody decision in your case will be transferred to the Headquarters Post Order Unit (HQPDU), 801 I St. NW, Washington, DC 20536. HQPDU will make a final determination regarding your custody.

Martin D. Herrera, AFOD

Signature and Title of Deciding Official

7-14-08

Date

Alien Number: 27 024 434

Aliens Name: RICKETTS, Junior

## File Review Information Sheet

Please answer the questions below and send them back with any other letters of recommendation & support to your Deportation Officer for inclusion with your upcoming file review as soon as possible.

Attach all the information that you are submitting for your file review along with this questionnaire and return it to your Deportation Officer.

Do you have a place to live in the United States? ☒ Yes ☐ No

Address: 400 E 30TH St,  
Telephone: NY, NY

For the above listed address, please provide the names of the persons who live there including your relationship:

Name: N/A Relationship:  
Telephone :

Name: Relationship:  
Telephone : N/A

Name: Relationship:  
Telephone : N/A

What was your last address before living in the United States?

Complete Address: N/A

Are you subject to any parole or probation requirements? ☒ Yes ☐ No

Describe: On parole until 2010

If so, provide a copy of your parole/probation paperwork OR the name and telephone number of your probation/parole officer:

Name: SPD McCoy Telephone: (718) 254-2044

Have you ever had a restraining order issued against you? ☐ Yes ☒ No

If so, provide the following information:

Name: Relationship:  
Address:  
Telephone :

Name: Relationship:  
Address:  
Telephone :



**U.S. Immigration  
and Customs  
Enforcement**

Mr. Junior RICKETTS  
C/O Buffalo Federal Detention Facility  
A#27 024 434  
4250 Federal Drive  
Batavia, New York 14020

**Notice to Alien of File Custody Review**

You are detained in the custody of U.S. Immigration and Customs Enforcement (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. ICE Field Director will review your case for consideration of release on an Order of Supervision, pursuant to 8 CFR 241. Release, however, is dependent on your demonstrating by "clear and convincing evidence" that you **will not** pose a danger to the community and **will not** be a significant flight risk. You must also demonstrate that a travel document is not available in the reasonable foreseeable future to effect your removal from the United States.

Your custody status will be reviewed on or about: (07/29/2008). The Field Director may consider, but is not limited to considering the following:

1. The nature and seriousness of your criminal convictions;
2. Other criminal history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Prior immigration violations and history; and  
Cooperation in obtaining your travel document.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The Field Director will notify you of the decision in your case.

U.S. Department of Homeland Security  
**Immigration and Customs Enforcement**  
Attn: Deportation Officer Henderson  
4250 Federal Drive  
Batavia, New York 14020

**METHOD OF SERVICE**

I certify that this form was provided to the alien by:

- ☐ CC: Attorney of Record or Designated Representative  
☒ CC: A-file



(Hand)

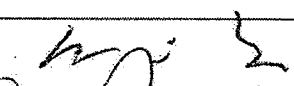
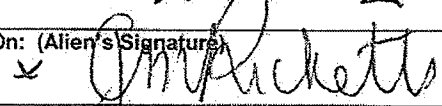



(Institution Mail)

Signature of Officer

Print Name of Officer

Date

Name: RICKETTS, Junior	District Office: Buffalo	File #: 27 024 434
<p>Section 243(a) of the Immigration and Nationality Act provides, in part, that:</p> <p>Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who--</p> <p>(A) willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,</p> <p>(B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,</p> <p>(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or</p> <p>(D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,</p> <p>shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.</p> <p>Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.</p> <p>Any action the Immigration and Naturalization Service may take to obtain a travel document for your departure or to remove you will <b>NOT</b> relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above.</p> <p>* Section 241(a)(1)(C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.</p>		
Date Order Final: 04/22/2005	Ordered Removed under Section: 241	
<b>Record of Service</b> (Check method used)		
<b>Record of Personal Service</b>		
Served By: (Print Name and Title of Officer) Daniel F. Henderson Deportation Officer		Date: 7/1/08
Officer's Signature: 	Location of Service: BFDf	
Served On: (Alien's Signature) 		Date: 7/1/08
( ) Warning administered in Court (Copy of order attached)		Record of Personal Service (Cont.)
( ) Certified Mail Service		Fingerprint of Alien (Specify finger used)
Attach certified mail receipts here.		ft index 

## INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL

The following is a list of things you are required to complete within 30 days of receiving this form, in order comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the ICE officer depending on the facts of each case.  
*Failure to comply or provide sufficient evidence of your inability to comply, may result in the extension of the removal period and subject you to further detention. In addition, you may be subject to criminal prosecution. If you need assistance in complying with any of the requirements, please contact a Deportation Officer.*

- ☒ Submit passports (current and expired) to the ICE. If you have a copy of your passport, you are to submit it.
- ☒ Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.
- ☒ Comply with all Instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.
- ☒ Submit to the ICE birth certificates, national identification cards, and any other document issued by a foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering the United States.
- ☒ Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.
- ☒ Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.
- ☒ You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from the United States.
- ☒ Provide ICE with written copies of requests to embassies or consulates requesting issuance of a travel document.
- ☒ Provide ICE with written copies of responses from embassies or consulates regarding your requests.
- ☐ Solicit permission from another country, which may be able to accept you, to enter that country to effect your removal from the United States.

+ Gm Ricketts



Name: RICKETTS, Junior  
A27 024 434

☐ **Other:** You may have the requested information faxed to the attn: D.O. Henderson @  
(585) 345-1864.

Alien's Signature

*Jm Ricketts*

Served by

*D. Henderson*  
Officer's Name

on

*7/1/08*

Date

at

Buffalo Federal Detention Facility.

Location

(Rev. 10/24/02)

*rt index*



No. 08-6123

Title: Junior M. Ricketts, Petitioner  
v.  
Michael B. Mukasey, Attorney General

Docketed: September 5, 2008  
Lower Ct: United States Court of Appeals for the Third Circuit  
Case Nos.: (08-2201)  
Decision Date: July 21, 2008  
Rehearing Denied: August 18, 2008

~~~~~Date~~~~~Proceedings and Orders~~~~~

Sep 3.2008 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed.  
(Response due October 6, 2008)

~~~~~Name~~~~~~~~~~Address~~~~~~~~~~Phone~~~~~

**Attorneys for Petitioner:**

Junior M. Ricketts  
A27024434  
Buffalo Federal Detention Facility  
4250 Federal Drive  
Batavia, NY

Party name: Junior M. Ricketts

**Attorneys for Respondent:**

Gregory G. Garre  
Acting Solicitor General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001  
(202) 514-2217

Party name: Michael B. Mukasey, Attorney General



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**General Docket  
Third Circuit Court of Appeals**

|  |  |
|--|--|
| <b>Court of Appeals Docket #:</b> 08-2201<br>Junior Ricketts v. Attorney General of the United<br><b>Appeal From:</b> Board of Immigration | <b>Docketed:</b> 04/25/2008<br><b>Termed:</b> 07/21/2008 |
| <b>Case Type Information:</b><br>1) agency<br>2) petition review<br>3) Immigration   |  |
| <b>Originating Court Information:</b><br><b>District:</b> BIA-1 : A27-024-434<br><b>Date Filed:</b>  |  |
| <b>Prior Cases:</b><br>None  |  |
| <b>Current Cases:</b><br>None  |  |

|  |   |
|--|---|
| JUNIOR M. RICKETTS (#27-024-434)<br>Not Party - Petitioner | Junior M. Ricketts<br>[NTC Pro Se]<br>Buffalo Federal Detention Facility<br>4250 Federal Drive<br>Batavia, NY 14020-0000  |
| v.   |   |
| ATTY GEN USA<br>Not Party - Respondent                     | Ada E. Bosque, Esq.<br>Direct: 202-514-0179<br>Email: ada.bosque@usdoj.gov<br>Fax: 202-307-8698<br>[COR NTC Federal government]<br>United States Department of Justice<br>Office of Immigration Litigation<br>P.O. Box 878<br>Ben Franklin Station<br>Washington, DC 20044-0000<br><br>Edward J. Duffy, Esq.<br>Direct: 202-353-7728<br>Email: edward.j.duffy2@usdoj.gov<br>Fax: 202-307-8698<br>[COR NTC Federal government] |

United States Department of Justice  
Office of Immigration Litigation  
P.O. Box 878  
Ben Franklin Station  
Washington, DC 20044-0000

JUNIOR M. RICKETTS,  
Petitioner

v.

ATTORNEY GENERAL OF THE UNITED STATES,  
Respondent

- 04/25/2008 ☒ AGENCY CASE DOCKETED. Petition filed by Mr. Junior M. Ricketts. Service made on 04/25/2008.
- 04/25/2008 ☒ MOTION filed by to Proceed In Forma Pauperis. Response due on 05/05/2008. Certificate of Service dated 04/22/2008.
- 04/25/2008 ☒ CLERK ORDER granting Motion to proceed in forma pauperis , filed.
- 04/25/2008 ☒ ORDER (Clerk) directing the Executive Office of Immigration Review to file the administrative record.
- 04/25/2008 ☒ ENTRY OF APPEARANCE filed by Attorney Edward J. Duffy, Esq. for Gen USA in 08-2201.
- 05/19/2008 ADMINISTRATIVE RECORD, received.
- 05/19/2008 ☒ BRIEFING NOTICE ISSUED. Brief on behalf of Junior M. Ricketts due on or before 06/30/2008. Appendix due on or before 06/30/2008.
- 05/27/2008 ☒ PRO SE 1st STEP BRIEF with Volume I of appendix attached on behalf of Petitioner Mr. Junior M. Ricketts, filed. Copies: 4, Pages: 19, Manner of Service: mail, Certificate of Service dated 05/22/2008.
- 05/27/2008 1st STEP APPENDIX on behalf of Petitioner Mr. Junior M. Ricketts, filed. Copies: 4. Volumes: 2 (volume I attached to brief). Manner of Service: mail. Certificate of Service dated 05/22/2008.
- 06/16/2008 ☒ ENTRY OF APPEARANCE filed by Attorney Ada E. Bosque, Esq. for Respondent Atty Gen USA..
- 06/16/2008 ☒ MOTION filed by Respondent Atty Gen USA to Dismiss Appeal, or in the alternative, for 30-day Extension of Time to File Brief. Response due on 06/26/2008. Certificate of Service dated 06/16/2008.
- 07/01/2008 ☒ RESPONSE on behalf of Petitioner Mr. Junior M. Ricketts to Motion for extension of time to file brief, Motion to dismiss appeal, filed. Certificate of Service dated 06/20/2008.
- 07/03/2008 SUBMITTED on motion to dismiss and response. Panel ID: ALD-238. Coram:

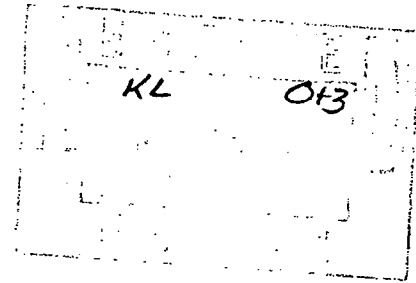
Dolores K Sloviter, D Michael Fisher and Thomas M Hardiman Circuit Judges.

- 07/21/2008 ☐ ORDER (SLOVITER, FISHER and HARDIMAN, Circuit Judges) The foregoing motion to dismiss is GRANTED. Calle-Vujilles v. Ashcroft, 320 F.3d 472, 474-75 (3d Cir. 2003), filed. Panel No.: ALD-238. Judge Hardiman, Authoring Judge.
- 08/04/2008 ☐ MOTION filed by Petitioner Mr. Junior M. Ricketts for Leave to File Exhibits with Petition for Rehearing. Response due on 08/18/2008. Certificate of Service dated 08/01/2008.
- 08/04/2008 ☐ PETITION filed by Petitioner Mr. Junior M. Ricketts for Rehearing before Original Panel and Court En Banc. Certificate of Service dated 08/01/2008.
- 08/07/2008 ☐ ORDER (HARDIMAN, Circuit Judges) granting Petitioner's Motion for Leave to File Attachments to the Petition for Rehearing, filed. Judge Hardiman, Authoring Judge.
- 08/11/2008 CLERK'S OFFICE QUALITY CONTROL MESSAGE: re: Court Orders dated 8/7/008 and 8/11/08. ERROR: Court's 8/11/08 Order is a duplicate of the Court's 8/7/08 Order. CORRECTION: Duplicate Court's Order dated 8/11/08 is being removed from the docket. THIS MESSAGE IS FOR INFORMATIONAL PURPOSES ONLY.
- 08/18/2008 ☐ ORDER (SCIRICA, SLOVITER, MCKEE, RENDELL, BARRY, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN and HARDIMAN, Circuit Judges) denying Petition for en banc rehearing filed by Petitioner Mr. Junior M. Ricketts, filed. Judge Hardiman, Authoring Judge.
- 09/08/2008 Notice of filing petition for writ of certiorari in U.S. Supreme Court by Mr. Junior M. Ricketts. Supreme Court Filed Date: 09/03/2008. Supreme Court Case Number: 08-6123.

| PACER Service Center |                          |                  |         |
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| Transaction Receipt  |                          |                  |         |
| 10/01/2008 11:58:18  |                          |                  |         |
| PACER Login:         | du8290                   | Client Code:     |         |
| Description:         | Docket Report (filtered) | Search Criteria: | 08-2201 |
| Billable Pages:      | 2                        | Cost:            | 0.16    |

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Junior M. RICKETTS  
# A27-024-434

Petitioner

NO: 08-2201

V

PETITION FOR REVIEW

Michael MUKASEY  
U.S. Attorney General

Respondent

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The above-named Petitioner hereby petition for review by this Court of the order of the Board of Immigration Appeals deny a motion to reopen on April 17, 2008, and the final order of removal entered by the Board of Immigration of Appeals on March 8, 2000, dismissing Petitioner's claim of United States Citizenship.

The Petitioner maintains that the decisions of the Board of Immigration Appeals are incorrect and must be reversed, because Petitioner is a native and citizen of the United States. A copy of the decision is attached.

To date, no court has upheld the validity of the order.

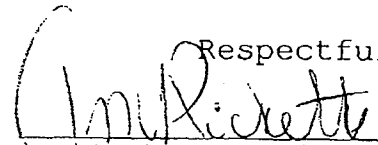
Jurisdiction is asserted pursuant to 8 U.S.C § 1252

(a)(1) and 8 U.S.C. § 1252(b)(5). Venue is asserted pursuant to 8 U.S.C. § 1252(b)(2) because the immigration judge completed proceeding in York, Pennsylvania, within the jurisdiction of this judicial circuit.

This petition is timely filed pursuant to 8 U.S.C. § 1252(b)(1) as it is filed within 30 days of the final order of removal.

Dated: April 22, 2008

Respectfully



Junior M. Ricketts

Pro se

#A27-024-434

Buffalo Federal Detention Facility  
4250 Federal Drive  
Batavia, NY 14020



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals  
Office of the Clerk

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

RICKETTS, JUNIOR NATHANIEL  
A# 27-024-434  
4250 Federal Drive  
Batavia, NY 14020

DHS LIT./York Co. Prison/YOR  
3400 Concord Road  
York, PA 17402

Name: RICKETTS, JUNIOR NATHANIEL

A27-024-434

Date of this notice: 4/17/2008

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
FILPPU, LAURI S.



U.S. Department of Just.

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

RICKETTS, JUNIOR NATHANIEL  
A# 27-024-434  
4250 Federal Drive  
Batavia, NY 14020

DHS LIT./York Co. Prison/YOR  
3400 Concord Road  
York, PA 17402

Name: RICKETTS, JUNIOR NATHANIEL

A27-024-434

Date of this notice: 4/17/2008

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
FILPPU, LAURI S.

tranc

Falls Church, Virginia 22041

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File: A27 024 434 - York, PA

Date: APR 17 2008

In re: JUNIOR NATHANIEL RICKETTS a.k.a. Junior Mohammed Ricketts  
a.k.a. Paul Milton Miles

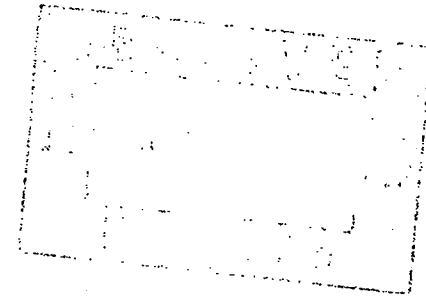
IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Josh A. Davison  
Assistant Chief Counsel

APPLICATION: Reopening



This case was last before this Board on March 8, 2000, when we dismissed the respondent's appeal of the Immigration Judge's November 3, 1999, decision. On February 21, 2008, the respondent filed a motion to reopen and remand the record to the Immigration Judge for further proceedings. The Department of Homeland Security ("DHS") opposes reopening. The motion will be denied.

Inasmuch as the respondent's motion to reopen was filed more than 90 days after the final administrative decision in this case, it is untimely. *See* 8 C.F.R. § 1003.2(c)(2). The respondent requests that we *sua sponte* reopen proceedings to consider evidence in support of his claim that he is a United States citizen. The respondent submitted a copy of a pre-sentence investigation report dated October 2004 and a copy of a New York state rap sheet. We agree with the DHS that reopening is not warranted. References to his alleged United States citizenship on the pre-sentence investigation report and rap sheet are not dispositive in the instant case because those documents were not created for the purpose of determining his citizenship. Furthermore, the pre-sentence investigation report indicates that the respondent "reports" that he was born in New York. We note that the respondent had ample opportunity before the Immigration Judge and this Board to present his citizenship claim and it was addressed by both the Immigration Judge and this Board. Based on the foregoing, we decline to *sua sponte* reopen proceedings. *See Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997) (finding that the Board's power to reopen cases *sua sponte* is limited to exceptional circumstances and is not meant to cure filing defects or circumvent the regulations, where enforcing them might result in hardship).<sup>1</sup>

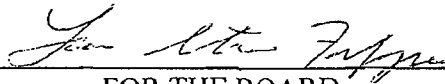
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<sup>1</sup> The respondent also claims to have been removed to Jamaica following our ruling in 2000 and then to have been returned to the United States by Jamaica because of his status as a United States citizen. The DHS is silent as to any of this in its response to the motion. If the claim of removal is true, the  
(continued...)



Accordingly, the following order will be entered.

ORDER: The motion is denied.



FOR THE BOARD

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<sup>1</sup> (...continued)

motion would be barred by 8 C.F.R. § 1003.2(d), and the respondent would need to present his new evidence in connection with any new effort to effect his removal again.

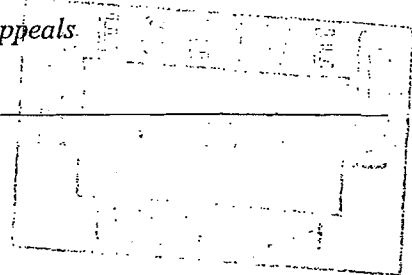


U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals  
Office of the Clerk

5201 Leesburg Pike, Suite 1300  
Falls Church, Virginia 22041



RICKETTS, JUNIOR NATHANIEL  
600 OLD COLONY ROAD  
SELINGROVE, PA 17870-0000

INS LIT./York Co. Prison/YOR  
3400 Concord Road  
York, PA 17402

COPY

Name: RICKETTS, JUNIO NATHANIEL

A27-024-434

Date of this notice: 03/08/2000

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Very Truly Yours.

*Paul W. Schmidt*

Paul W. Schmidt  
Chairman

Enclosure

Panel Members:

JONES, PHILEMINA M.  
THOMAS, ELLEN K.  
VACCA, FRED W.

RECEIVED  
DEPARTMENT OF JUSTICE  
2000 MAR 13 A 7 11  
U.S. DEPT. OF JUSTICE  
OFFICE OF THE INSPECTOR GENERAL  
WASHINGTON, D.C. 20535

ANDREWS

U.S. Department of Justice  
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

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File: A27 024 434 - York

Date: **MAR - 8 2000**

In re: JUNIOR NATHANIEL RICKETTS a.k.a. Junior Mohammed Ricketts, a.k.a. Paul Milton Miles

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF SERVICE: Jeffrey T. Bubier  
Assistant District Counsel

CHARGE:

Notice: Sec. 237(a)(1)(A), I&N Act [8 U.S.C. § 1227(a)(1)(A)] -  
Inadmissible at the time of entry or adjustment of status  
under section 212(a)(7)(A)(i)(I), I&N Act [8 U.S.C.  
§ 1182(a)(7)(A)(i)(I)] - Immigrant - no valid immigrant  
visa or entry document

Sec. 237(a)(1)(B), I&N Act [8 U.S.C. § 1227(a)(1)(B)] -  
In the United States in violation of law

Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -  
Convicted of aggravated felony

Sec. 237(a)(3)(D), I&N Act [8 U.S.C. § 1227(a)(3)(D)] -  
False claim of United States citizenship

APPLICATION: Termination

The respondent's appeal of the Immigration Judge's decision finding him to be a citizen and national of Jamaica and ordering him removed from the United States will be dismissed.

The respondent in this case asserts that the Immigration Judge erred in finding that he is a citizen and national of Jamaica. The respondent maintains that he was born in the United States on August 31, 1964. As such, the respondent claims that he is a United States citizen. The respondent also

argues that the Immigration Judge abused his discretion in admitting certain documents into the record of proceedings obtained in violation of his rights under the Fourth and Fifth amendments of the United States Constitution.

The respondent was convicted on January 9, 1995, of illegal entry and harboring aliens in the United States in violation of 8 U.S.C. § 1324(a)(1)(D). The respondent was also convicted of embezzlement of funds from a federally funded government agency, fraud and misuse of an alien registration card, and illicit transportation of a minor with the intent to engage in sexual activity, in violation of 8 U.S.C. §§ 666(a)(1)(A), 1546, and 2423. As a result of these convictions the Immigration and Naturalization Service served the respondent with a Notice to Appear (Form I-862) and charged him with deportability under sections 237(a)(1)(A), 237(a)(1)(B), 237(a)(2)(A)(iii), and 237(a)(3)(D), of the Immigration and Nationality Act, 8 U.S.C. §§ 1227(a)(1)(A), 1227(a)(1)(B), 1227(a)(2)(A)(iii) and 1227(a)(3)(D). We note that the respondent does not contest the allegations that he was convicted or that the convictions are deportable offenses, instead, the respondent contests the Service's allegation that he is an alien.

The respondent in this case maintains that he was born Paul Milton Miles, son of Lizzie Mae Page and Robert Miles, in Brooklyn, New York. In support of this contention the respondent provided a copy of a birth certificate, United States passport, drivers license, credit report, educational records, and name change petition. The Immigration and Naturalization Service disputes the respondent's citizenship claim and charges that he is, in fact, a native and citizen of Jamaica. The Service asserts that while working for the New York City Human Resources Administration the respondent illegally obtained the records of the real "Paul Milton Miles," a United States citizen, and assumed his identity. The Service presented the testimony of Gary Hittelman, a retired Service Special Agent, and Gerard Hoey, Deputy Inspector General of the New York City Department of Investigation in support of their claim. Citing the respondent's lack of credibility, the Immigration Judge found that the respondent was not a United States citizen. The Immigration Judge, instead, concluded that the respondent was a native and citizen of Jamaica, and ordered him removed from the United States.

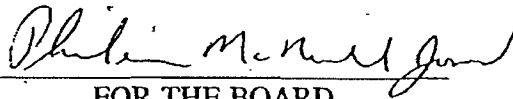
Neither the Immigration Judge nor this Board have the authority to deport a United States citizen. See Trop v. Dulles, 356 U.S. 86 (1957); Matter of Fuentes, 21 I&N Dec. 893, 898-99 (BIA 1997). Nevertheless, we concur with the Immigration Judge's conclusion finding that the respondent's claims to United States citizenship lack credibility (I.J. at 7). The respondent in this case presented inconsistent evidence in support of his claim to citizenship. For example, the respondent presented evidence that he legally changed his name from "Paul Milton Miles" to "Junior Mohammed Ricketts" in 1984. When confronted by the Service with the fact that the name "Junior Nathaniel Ricketts" appeared on a Jamaican passport found in his apartment the respondent testified that the passport had been obtained for him in 1984 by a Jamaican man named Junior Ricketts (Tr. at 187).

We find that the above discrepancy, along with many others detailed by the Immigration Judge in his written decision, provide specific and cogent reasons to support the Immigration Judge's conclusion that the respondent's claim lacks credibility. We note that a convincing explanation for these discrepancies has not been supplied by the respondent. Consequently, we will accord deference to the Immigration Judge's findings concerning the respondent's lack of credibility in this case. See Matter of A-S-, 21 I&N Dec. 1106 (BIA 1998).

Alternatively, we note that the Service has provided ample credible evidence showing the respondent to be a native and citizen of Jamaica. As noted above the Service provided a copy of the respondent's Jamaican passport, bearing his picture and signature. The Service also included copies of numerous arrival departure records (Form I-94) for a Junior Nathaniel Ricketts bearing the same identification number contained in his Jamaican passport. In light of the overwhelming evidence contained in the record we will affirm the Immigration Judge's decision in this case and find that the respondent is a native and citizen of Jamaica.

We reject the respondent's motion to suppress. Absent a showing of widespread abuse or an egregious violation that transgresses notions of fundamental fairness, an alien in immigration proceedings cannot suppress evidence assertedly procured in violation of his rights under the United States Constitution. See INS v. Lopez-Mendoza, 468 U.S. 1032 (1984). A motion to suppress must provide specific details of the Constitutional violation. See Matter of Barcenas, 19 I&N Dec. 609 (BIA 1988). In this case there is little evidence to support the respondent's assertions that the documentary evidence was procured in violation of his Constitutional rights. As such, we deny the respondent's motion to suppress. Accordingly, the following order shall be entered.

ORDER: The respondent's appeal is dismissed.

  
FOR THE BOARD

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Junior M. Ricketts  
# A27-024-434

Petitioner

NO: 03-2201

V

Certificate of Service

Michael MUKASEY  
U.S. Attorney General

Defendant

---

**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2008, I caused to be served on Respondent a copy of the Petitioner's Petition for Review and all attachment by regular mail, address to:

Michael Mukasey  
U.S. Attorney General  
United States Department of Justice  
10th Street NW and Constitution Ave  
Washington, DC 20530

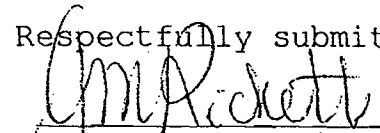
Thomas R. Decker  
ICE Field Office Director  
1600 Callowhill Street, 5th Floor  
Philadelphia, PA 19130

---

Thomas W. Hussey, Director  
Office of Immigration Litigation  
U.S. Department of Justice/Civil Division  
1331 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dated: April 22, 2008

Respectfully submitted



Junior M. Ricketts

Pro se

#A27-024-434

Buffalo Federal Detention Facility  
4250 Federal Drive  
Batavia, NY 14020

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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C.A. No. 08-2201

JUNIOR M. RICKETTS,

Petitioner,

v.

ATTORNEY GENERAL OF THE UNITED STATES,

Respondent.

(Agency No. A27 024 434)

---

Present: SCIRICA, *Chief Judge*, SLOVITER, McKEE, RENDELL,  
BARRY, AMBRO, FUENTES, SMITH, FISHER,  
CHAGARES, JORDAN and HARDIMAN, *Circuit Judges*.

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SUR PETITION FOR REHEARING  
WITH SUGGESTION FOR REHEARING EN BANC

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The petition for rehearing filed by Petitioner Junior M. Ricketts having been submitted to all judges who participated in the decision of this court, and to all the other available circuit judges in active service, and a majority of the judges who concurred in the decision not having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court en banc, the petition for rehearing is hereby DENIED.

BY THE COURT:

/s/ Thomas M. Hardiman  
Circuit Judge



Ricketts v. Atty Gen USA

08-2201

Page 2

Dated: August 18, 2008

smw/cc: Junior M. Ricketts  
Ada E. Bosque, Esq.  
Edward J. Duffy, Esq.  
Caroll Lanham

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**General Docket**  
**Third Circuit Court of Appeals**

**Court of Appeals Docket #:** 06-4612  
**Ricketts v. Atty Gen USA**  
**Appeal From:** Board of Immigration

**Docketed:** 10/30/2006  
**Termed:** 04/16/2007

**Case Type Information:**

- 1) agency
- 2) petition review
- 3) Immigration

**Originating Court Information:**

**District:** BIA-1 : A27 024 434  
**Date Filed:**

**Prior Cases:**

None

**Current Cases:**

None

JUNIOR M. RICKETTS (#27-024-434)  
 Not Party - Petitioner

Junior M. Ricketts  
 [NTC Pro Se]  
 Buffalo Federal Detention Facility  
 4250 Federal Drive  
 Batavia, NY 14020-0000

v.

ATTY GEN USA  
 Not Party - Respondent

Edward J. Duffy, Esq.  
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 [COR NTC Federal government]  
 United States Department of Justice  
 Office of Immigration Litigation  
 P.O. Box 878  
 Ben Franklin Station  
 Washington, DC 20044-0000

JUNIOR M. RICKETTS,

Petitioner

v.

## ATTORNEY GENERAL OF THE UNITED STATES


|            |   |
|------------|---|
| 10/30/2006 | Agency Case Docketed. Petition (rev) filed by Junior M. Ricketts. Service made on 10/30/06.   |
| 10/30/2006 | MOTION by Petitioner Junior M. Ricketts to stay removal, filed. Answer due 11/02/06. Certificate of dated 10/18/06.   |
| 10/30/2006 | MOTION by Petitioner Junior M. Ricketts to proceed in forma pauperis, filed. Answer due 11/02/06. Certificate of Service dated 10/18/06.  |
| 10/30/2006 | ORDER (Clerk) granting Petitioner's motion to proceed in forma pauperis, filed.   |
| 10/30/2006 | Order (Clerk) The above-captioned petition for review was filed on October 30, 2006. Petitioner seeks review of hte reinstatement of a March 8, 2000 order issued by the Board of Immigration Appeals dismissing an appeal. The parties are hereby ORDERED to address this Court's authority over the petition. See 8 U.S.C. section 1252(b)(1)(petition for review must be filed no later than 30 days after the date of final order of removal). Written responses shall be filed and served within fourteen (14) days of the date of this order, filed.  |
| 11/13/2006 | RESPONSE filed by Petitioner Junior M. Ricketts pursuant to the LD Order of 10/30/06. Certificate of Service dated 11/8/06.   |
| 11/21/2006 | APPEARANCE from Attorney Edward J. Duffy on behalf of Respondent Atty Gen USA, filed.   |
| 11/27/2006 | ADMINISTRATIVE RECORD received on CD.   |
| 11/27/2006 | MOTION by Respondent Attorney General to dismiss appeal, which includes a response in opposition to the motion to stay removal, filed. Answer due 12/4/06. Certificate of Service dated 11/21/06.   |
| 12/04/2006 | RESPONSE filed by Petitioner Junior M. Ricketts in opposition to motion to dismiss appeal. Certificate of Service dated 11/28/06.   |
| 04/16/2007 | ORDER (McKee, Authoring Judge, Fuentes and Roth, Circuit Judges) granting Respondent's motion to dismiss. The time period for filing a petition for review is an emphatic time prescription that is not subject to equitable tolling, and our duty to dismiss untimely claims is mandatory where the Attorney General objects on the basis of untimeliness. See <i>Stone v. Immigration &amp; Naturalization Serv.</i> , 514 U.S. 386, 405 (1995), as modified by <i>Eberhart v. United States</i> , 126 S. Ct. 403, 406-07 (U.S. 2005) (per curiam). The motion for stay of removal is denied as moot, filed. BLD-62 |
| 04/16/2007 | Certified copy of Order sent to agency.   |
| 04/30/2007 | NONCOMPLIANCE LETTER requesting compliance for motion for leave to file exhibits with petition for rehearing en banc submitted by Junior M. Ricketts. Response due in 14 days.  |


05/09/2007 COMPLIANCE RECEIVED


05/09/2007 MOTION by Petitioner Junior M. Ricketts for leave to file exhibits to petition for rehearing, filed. Answer due 05/21/07. Certificate of Service dated 5/4/07.

01/08/2008 ORDER (McKee, Authoring Circuit Judge) granting motion to file exhibits to rehearing by Petitioner Junior M. Ricketts, filed.

01/08/2008 PETITION by Petitioner for rehearing en banc, filed. Certificate of service dated 4/22/07.

02/13/2008  ORDER (SCIRICA, Chief Judge, SLOVITER, MCKEE, RENDELL, BARRY, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN and ROTH, Circuit Judges) denying Petitioner's Petition for en banc rehearing, filed. Judge: MCKEE Authoring

02/22/2008  MOTION filed by Petitioner Mr. Junior M. RickettsA to Stay Mandate. Response due on 02/28/2008. Certificate of Service dated 02/15/2008.

03/31/2008  CLERK ORDER denying as moot Appellant's Motion to stay mandate. Since this Court did not exercise jurisdiction over the petition, no mandate will issue. Furthermore, since no stay was granted by this Court nor does the issuance of the mandate affect the time to file a petition for writ of certiorari no preactical purpose would be served by the issuance of a stay of the Court's decision, filed.

04/09/2008 Notice of filing petition for writ of certiorari in U.S. Supreme Court by Mr. Junior M. RickettsA. Supreme Court Filed Date: 04/03/2008. Supreme Court Case Number: 07-10239.

| PACER Service Center |                          |                  |         |
|----------------------|--------------------------|------------------|---------|
| Transaction Receipt  |                          |                  |         |
| 10/01/2008 11:59:57  |                          |                  |         |
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IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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06-4612

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JUNIOR M. RICKETTS,

Petitioner

v.

ATTORNEY GENERAL OF THE UNITED STATES

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PRESENT: SCIRICA, Chief Judge, SLOVITER, McKEE, RENDELL, BARRY, AMBRO,  
FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN and ROTH<sup>1</sup>,  
Circuit Judges

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**SUR PETITION FOR PANEL REHEARING  
WITH SUGGESTION FOR REHEARING *EN BANC***

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The petition for rehearing filed by Appellant having been submitted to the judges who participated in the decision of this Court, and to all the other available circuit judges in active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court *en banc*, the petition for rehearing is DENIED.

BY THE COURT:

/s/ Theodore A. McKee  
Circuit Judge

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<sup>1</sup> Vote limited to panel rehearing only.

DATED: February 13, 2008  
CMH/cc: JMR, EJD

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

**No. 06-4612**

Ricketts v. Attorney General

To: Clerk

1) Motion for Stay of Mandate

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The foregoing Motion is denied as moot. Since this Court did not exercise jurisdiction over the petition, no mandate will issue. Furthermore, since no stay was granted by this Court nor does the issuance of the mandate affect the time to file a petition for writ of certiorari, no practical purpose would be served by the issuance of a stay of the Court's decision.

For the Court,

/s/ Marcia M. Waldron  
Clerk

Dated: March 31, 2008  
CMH/cc: JMR, EJD

**Board of Immigration Appeals - MTR BIA****ANumber:** 27-024-434**Lead:** 27-024-434**Chg. Doc. Date:** 03/26/1999**RICKETTS, JUNIO NATHANIEL****Gen:** 1 **SubGen:** 2**Base City:** YOR **Hearing Location:** YOR**Nationality:** JAMAICA**IJ Decision:** 11/03/1999**Decision:** Remove**Other Comp:****Type:** RMV**Appeal Filed:** 02/21/2008**By:** Alien IJ**MTR BIA****Custody Status:** Detained**----- Briefing Schedule -----****Alien****INS****Served on Parties:****Originally Due:****Currently Due:****Briefs Received:****Oral Arg. Requested:****No****No****To/From Appellate Counsel:****BIA Decision:** 04/17/2008**Denied****Aministrative Final Order:****Alien has removal order****New A Number**